

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN COURTNEY,

Plaintiff,

Civil Action No.
10-CV-14123

vs.

HON. MARK A. GOLDSMITH

PRISON HEALTH SERVICES, et al.,

Defendants.

ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION
and
GRANTING SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS MICHIGAN
DEPARTMENT OF CORRECTIONS, CARUSO, SCUTT, MCCMILLAN, MURPHY,
AND HAMBLIN

This matter is presently before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Charles E. Binder, issued on July 21, 2011. The Magistrate Judge recommends that summary judgment be granted in favor of Defendants Michigan Department of Corrections (MDOC), Caruso, Scutt, McMillan, Murphy, and Hamblin. Plaintiff has not filed objections to the R&R, and the time to do so has expired.¹ Thus, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.

Accordingly, it is ORDERED as follows:

(1) The Magistrate Judge’s R&R [docket entry 58] is accepted and adopted as the findings and conclusions of the Court.

¹ Plaintiff was granted an extension of time in which to file objections; however, he has failed to do so. See docket entry 62.

(2) The motion for summary judgment of Defendants MDOC, Caruso, Scutt, McMillan, Murphy, and Hamblin [docket entry 18] is granted.

Dated: September 2, 2011
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 2, 2011.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager